



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

A

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,147	09/29/2000	Peter Michael Gits	2705-128	1784
20575	7590	08/17/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			LESNIEWSKI, VICTOR D	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/676,147	GITS ET AL.
	Examiner	Art Unit
	Victor Lesniewski	2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 May 2005.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/14/2005</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. The amendment filed 5/9/2005 has been placed of record in the file.
2. Claims 1, 6, 11, and 13 have been amended.
3. Claims 1-13 are now pending.
4. The applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the following new grounds of rejection.

#### ***Information Disclosure Statement***

5. The IDS filed 4/14/2005 has been considered.

#### ***Response to Amendment***

6. Claims have been amended to show the transferring of objects from one space to another. The amendment proves a change in scope to the independent claims as the independent claims now explicitly state taking any objects from at least one Space in the community intended for a Space in another community and transferring them to the Space in another community, and the like. However, none of the amended claims show a patentable distinction over the prior art as evidenced by the following new grounds of rejection.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter et al. (U.S. Patent Number 6,789,077), hereinafter referred to as Slaughter, in view of Wollrath et al. (U.S. Patent Number 6,253,256), hereinafter referred to as Wollrath.

9. Slaughter disclosed a system in which clients can utilize search services to find spaces for the storage or retrieval of data. In an analogous art, Wollrath disclosed a method for the deferred reconstruction of objects in a system where objects are passed from one space to another.

10. Concerning claims 1, 6, 11, and 13, Slaughter did not explicitly state transferring objects from a Space in a Community to a Space in another Community as necessary. However, Wollrath does explicitly state this feature as her system is focused on transmitting objects across spaces in object-oriented distributed systems. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Slaughter by adding the ability to transfer objects from a Space in a Community to a Space in another Community as necessary as provided by Wollrath. Here the combination satisfies the need for more efficient transmission of objects in distributed systems. See Wollrath, column 3, lines 26-31.

11. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a computer-readable medium or a network device are rejected under the same rationale applied to the described claim.

12. Thereby, the combination of Slaughter and Wollrath discloses:

- <Claim 1>

A communication system, comprising: at least one community, each community comprised of: at least one Space having publish and subscribe capability and communicating using a first protocol (Slaughter, figure 29, item 1254); and at least one double agent, operable to communicate with entities using a second protocol and the Space using the first protocol (Slaughter, figure 29, item 1252 and column 73, lines 38-43); and at least one non-space specific double agent, operable to communicate outside the community (Slaughter, figure 29, item 1250 and column 73, lines 34-36) by taking any objects from at least one Space in the community intended for a Space in another community and transferring them to the Space in another community (Wollrath, column 4, lines 47-59).

- <Claim 2>

The communication system of claim 1, wherein the at least one double agent further comprises a universal double agent (UDA) capable of communicating with the Space and any entity (Slaughter, column 74, lines 11-17).

- <Claim 3>

The communication system of claim 1, wherein the at least one double agent further comprises a morphing double agent (MDA) capable of adopting characteristics to communicate with any entity (Slaughter, column 74, lines 37-40).

- <Claim 4>

The communication system of claim 1, wherein the at least one double agent further comprises at least one device specific double agent (Slaughter, column 75, lines 16-26).

- <Claim 5>

The communication system of claim 1, wherein the at least one non-space specific double agent further comprises a determination agent (Slaughter, figure 28, item 1220 and column 72, lines 35-37).

- <Claims 6, 11, and 13>

A method of providing communications, the method comprising: establishing a Space having a publish and subscribe capability (Slaughter, column 72, lines 46-48); inserting an object into the Space, wherein the object is generated by a double agent in communication with a member of a Community requesting an action (Slaughter, column 73, lines 48-50); providing notification to subscribed members of the Community of the insertion of the object into the Space (Slaughter, column 51, lines 51-56); and transferring objects from the Space in the Community to a Space in another Community as necessary (Wollrath, column 4, lines 47-59).

- <Claim 7>

The method of claim 6, wherein the method further comprises reinserting objects intended for other spaces into the Space (Slaughter, column 18, lines 23-37).

- <Claims 8 and 12>

The method of claim 6 wherein the space, the double agent and the subscribed members reside on at least two different computing devices (Slaughter figures 29 and 30).

- <Claim 9>

The method of claim 6 wherein the object inserted includes a wrapper addressed for a determination agent (Slaughter, column 72, lines 39-42).

- <Claim 10>

The method of claim 6 wherein the action requested requires interaction with another space (Slaughter, column 72, lines 42-48).

Since the combination of Slaughter and Wollrath discloses all of the above limitations, claims 1-13 are rejected.

***Conclusion***

13. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152

  
Dung C. Dinh  
Primary Examiner